IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.119 OF 1997

FROM

INT. APPLICATION IN APPLN. (ESI) NO.56 OF 1991

Employees' state Insurance Corporation .. Appellant
(Org. Opponent)

V/s

The Phoenix Mills Ltd. .. Respondents
(Org.Applicants)

M/s M.V. Jayakar & Co. for appellant.

Coram : A. S. Oka, J.

Date : 8th February, 2005

P.C.

1 Heard the learned counsel Mr.Jayakar for the Appellant. By the impugned order passed below application at Exhibit 2, the learned Judge of Employees Insurance Court,Bombay has confirmed ad-interim stay granted earlier till the disposal of main application under section 75 of Employees State Insurance Act, 1948 and has directed that it is not necessary for the employer to deposit remaining 50% of the amount. Shri Jayakar submits that while passing the impugned order, the learned Judge has recorded adverse findings in paragraph Nos.14 and 15 of the impugned order. He further submits that the impugned order is required to be to be interfered with.

2 It is apparent that the impugned order is passed on an application for interim relief (Exhibit 2). The main

application under section 75 of the said Act 1948 is still pending. It is, therefore, obvious that findings which are recorded by the learned Judge while passing the impugned order are only tentative finding recorded for the limited purpose for considering the application for the grant of interim relief. The said findings are obviously not binding on the learned judge at the time of hearing of said main application under sec. 75 of said Act 1948.The main application under section 75 of the said Act 1948 will be decided on its merit considering the observations made above. Hence,subject to what is stated above this appeal is dismissed. No order as to costs.

(A.S. Oka, J.)